

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **SHERMAN WASHINGTON, JR., M.D.**

4 Holder of License No. 48291
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-19-1137A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

7 Sherman Washington, Jr., M.D. ("Respondent") elects to permanently waive any
8 right to a hearing and appeal with respect to this Order for Letter of Reprimand and
9 Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to
10 the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 48291 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-1137A after receiving notification of
17 a disciplinary action alert ("DAR") that the Virginia Board of Medicine ("Virginia Board") had
18 reprimanded Respondent's Virginia medical license.

19 4. Effective November 14, 2019 Respondent entered into a Consent Order with
20 the Virginia Board that issued Respondent's Virginia medical license a Reprimand and
21 Monetary Penalty of \$1500.00. The Virginia Board found that Respondent issued
22 Schedule IV medications to six patients without a properly established physician-patient
23 relationship. Additionally, the Virginia Board found that Respondent willfully refused to
24 provide records for the six patients at issue despite repeated requests by Virginia Board
25 staff. On January 15, 2020 the Virginia Board issued Respondent a letter of compliance
and closed the case.

1 5. On November 22, 2019 the North Dakota Board of Medicine ("North Dakota
2 Board") issued an Order pursuant to a Stipulation that required Respondent to complete
3 an intensive, in-person medical recordkeeping course. The North Dakota Board found that
4 a patient received medication in the mail from a compounding pharmacy in Texas that had
5 been prescribed by Respondent. The patient did not have a prior physician-patient
6 relationship with Respondent and had never met or spoken to prior to receiving the
7 medication. Respondent failed to respond to the North Dakota Board's request for the
8 patient's medical records.

9 6. On January 28, 2020 The Washington Medical Commission ("Washington
10 Board") entered Findings of Fact, Conclusions of Law and Final Order of Default against
11 Respondent's Washington medical license after Respondent failed to respond to an
12 investigation into Respondent's prescribing practices ("Default Order").

13 7. On February 14, 2020 the Virginia Board issued an Order of Mandatory
14 Suspension on Respondent's Virginia medical license based on the Washington Board's
15 Default Order.

16 8. On March 6, 2020, The Colorado Medical Board ("Colorado Board") issued
17 Respondent's Colorado medical license a Letter of Admonition based on the Virginia and
18 North Dakota Board actions.

19 9. On March 16, 2020, The Pennsylvania State Board of Medicine
20 ("Pennsylvania Board") issued an order reprimanding Respondent's expired Pennsylvania
21 medical license based on the Virginia Board's action.

22 10. On July 16, 2020, the Washington Board entered into a Stipulation to
23 Informal Discipline with Respondent to resolve the investigation ("Washington Stipulation").
24 The Washington Stipulation described allegations that Respondent prescribed medication
25 to at least six patients without examining the patients or otherwise establishing a proper

1 physician-patient relationship. The Washington Stipulation required Respondent to
2 complete terms and conditions including Continuing Medical Education ("CME") in ethics
3 and submission of a remedial essay on issues relevant to the investigation.

4 11. On December 30, 2020 the Florida Board of Medicine ("Florida Board")
5 issued a Final Order suspending Respondent's Florida medical license and requiring
6 payment of an administrative fine. The Florida Board's Final Order arose out of a
7 reciprocal investigation regarding the Washington Board's action, and Respondent's failure
8 to report the Washington Board's Default Order indefinitely suspending his Washington
9 medical license.

10 CONCLUSIONS OF LAW

11 a. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 b. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(p) ("Action that is taken against a doctor of
15 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
16 physical inability to engage safely in the practice of medicine, the doctor's medical
17 incompetence or for unprofessional conduct as defined by that jurisdiction and that
18 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
19 paragraph. The action taken may include refusing, denying, revoking or suspending a
20 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
21 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
22 probation by that jurisdiction.").

23 ORDER

24 IT IS HEREBY ORDERED THAT:

25 1. Respondent is issued a Letter of Reprimand.

1 2. Respondent is placed on Probation for a period of six months with the
2 following terms and conditions:

3 **a. PBI Ethics Course**

4 Respondent shall within 6 months of the effective date of this Order, complete the
5 Medical Ethics and Professionals Course (ME-15) course offered by Professional
6 Boundaries, Inc. ("PBI"). Respondent shall within thirty days of the effective date of this
7 Order submit satisfactory proof of enrollment with Board staff. Upon completion of the
8 CME, Respondent shall provide Board staff with satisfactory proof of attendance.
9 Respondent shall sign any and all consents or releases necessary to allow for PBI to
10 communicate to the Board directly and furnish PBI's "AIR" Letter after completion of the
11 required CME. The CME hours shall be in addition to the hours required for the biennial
12 renewal of medical licensure. Respondent shall not revoke any release prior to successful
13 completion of the CME and maintenance and accountability seminars.

14 **b. Obey All Laws**

15 Respondent shall obey all state, federal and local laws, all rules governing the
16 practice of medicine in Arizona, and remain in full compliance with any court ordered
17 criminal probation, payments and other orders.

18 **c. Probation Termination**

19 Prior to the termination of Probation, Respondent must submit a written request to
20 the Board for release from the terms of this Order. Respondent's request for release will
21 be placed on the next pending Board agenda, provided a complete submission is received
22 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
23 release must provide the Board with evidence establishing that he has successfully
24 satisfied all of the terms and conditions of this Order. The Board has the sole discretion to
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1 determine whether all of the terms and conditions of this Order have been met or whether
2 to take any other action that is consistent with its statutory and regulatory authority.

3 3. The Board retains jurisdiction and may initiate new action against
4 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

5 DATED AND EFFECTIVE this 24th day of August, 2021.
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7 ARIZONA MEDICAL BOARD

8 By Patricia E. McSorley
9 Patricia E. McSorley
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges he has the right to consult with legal counsel regarding this matter.

15 2. Respondent acknowledges and agrees that this Order is entered into freely
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
18 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
19 this Order in its entirety as issued by the Board, and waives any other cause of action
20 related thereto or arising from said Order.

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent in this Order are solely for final
24 disposition of this matter and any subsequent related administrative proceedings or civil
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent

1 are not intended or made for any other use, such as in the context of another state or
2 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
3 State of Arizona or any other state or federal court.

4 6. Notwithstanding any language in this Order, this Order does not preclude in
5 any way any other State agency or officer or political subdivision of this state from
6 instituting proceedings, investigating claims, or taking legal action as may be appropriate
7 now or in the future relating to this matter or other matters concerning Respondent,
8 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
9 acknowledges that, other than with respect to the Board, this Order makes no
10 representations, implied or otherwise, about the views or intended actions of any other
11 state agency or officer or political subdivisions of the State relating to this matter or other
12 matters concerning Respondent.

13 7. Upon signing this agreement, and returning this document (or a copy thereof)
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 8. This Order is a public record that will be publicly disseminated as a formal
19 disciplinary action of the Board and will be reported to the National Practitioner's Data
20 Bank and on the Board's web site as a disciplinary action.

21 9. If any part of the Order is later declared void or otherwise unenforceable, the
22 remainder of the Order in its entirety shall remain in force and effect.

23 10. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 11. Any violation of this Order constitutes unprofessional conduct and may result
2 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("[v]iolating a formal order, probation,
3 consent agreement or stipulation issued or entered into by the board or its executive
4 director under this chapter.") and 32-1451.

5 12. ***Respondent has read and understands the conditions of probation.***

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SHERMAN WASHINGTON, JR., M.D.

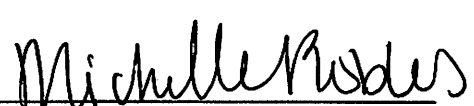
DATED: 7/13/2021

9
10 EXECUTED COPY of the foregoing mailed
11 this 24th day of August, 2021 to:

12 Sherman Washington, Jr., M.D.
13 Address of Record

14 ORIGINAL of the foregoing filed
15 this 24th day of August, 2021 with:

16 Arizona Medical Board
17 1740 West Adams, Suite 4000
18 Phoenix, Arizona 85007

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20 Board staff
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